

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 2:11-CR-102-RLH-(CWH)
)
 MITCHELL PULIDO,)
)
 Defendant.)

SECOND AMENDED FINAL ORDER OF FORFEITURE

On February 27, 2012, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture as to MITCHELL PULIDO pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), based upon the plea of guilty by defendant MITCHELL PULIDO to criminal offenses, forfeiting specific property agreed to in the Plea Memorandum and shown by the United States to have the requisite nexus to the offenses to which defendant MITCHELL PULIDO pled guilty. Indictment, ECF No. 1; Plea Memorandum, ECF No. 35; Change of Plea Minutes, ECF No. 34; Preliminary Order of Forfeiture, ECF No. 37; Final Order of Forfeiture, ECF No. 59; Amended Final Order of Forfeiture, ECF No. 66.

This Court finds the United States of America published the notice of forfeiture as to Defendant MITCHELL PULIDO in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from March 7, 2012, through April 5, 2012, further

1 notifying all known third parties by personal service or by regular mail and certified mail return
2 receipt requested, of their right to petition the Court . Notice of Filing Proof of Publication, ECF No.
3 38; Notice of Filing Service of Process, ECF Nos. 41 and 56.

4 On April 12, 2012, FRANCISCO PULIDO was served by personal service with a copy of the
5 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process, ECF No. 41,
6 p. 2-8.

7 On September 13, 2012, CANIDCE WOOD was served by personal service with a copy of
8 the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process, ECF No. 56,
9 p. 2-8.

10 On May 4, 2012, FRANCISCO PULIDO filed with the Court a Motion for Return of Gun
11 relating to a Ruger, Model P89DC Serial Number 303-79265. With his Motion, Mr. Pulido filed a
12 copy of the registration “blue card.” Motion for Return of Gun by Francisco Pulido, ECF No. 42.
13 Subsequent investigation by the United States after these proceeding had concluded revealed that there
14 was a scrivener’s error with regard to one of the two guns that has been identified throughout these
15 proceedings. Specifically, the handgun, first identified in the Plea Memorandum and the Preliminary
16 Order of Forfeiture as **one Ruger 9mm Model P89DC with a serial number of 30792849, does not**
17 **now and never has existed.** The Government was unaware of this typographical error throughout the
18 course of these proceedings. Moreover, while there was a Ruger that was involved in this criminal
19 investigation/prosecution **that** Ruger was never been mentioned in this litigation, and, in fact was
20 disposed of by law enforcement outside of these legal proceedings. With its execution of this
21 Amended Order of Forfeiture, we ask this Court acknowledge the non-existence of the 9mm Ruger
22 Model P89DC (Serial No. 30792849), and that that particular firearm, is not now, nor has never been a
23 part of these proceedings.

24 The serial number listed on the “blue card” registration provided by FRANCISCO PULIDO is
25 not the same serial number as the serial number on the Ruger firearm that is being forfeited in this
26 . . .

lawsuit. Plea Memorandum, ECF No. 35; Preliminary Order of Forfeiture, ECF No. 37; Motion for Return of Gun by Francisco Pulido, ECF No. 42.

On May 9, 2012, the United States filed its Response to FRANCISCO PULIDO's Motion for Return of Property, indicating that the serial number on the registration card provided by FRANCISCO PULIDO did not match the serial number on the firearm that is subject to forfeiture in this lawsuit and requesting that FRANCISCO PULIDO provide documentation establishing that he is the lawful owner of the firearm. Response to Motion for Return of Property, ECF No. 43.

On May 29, 2012, the Court granted FRANCISCO PULIDO's Motion for Return of Property with the following limitation: that FRANCISCO PULIDO produce documentation to the United States proving that he is the lawful owner of the Ruger 9mm, Model P89DC handgun within 30 days. Order Granting Motion for Return of Property, ECF No. 48.

More than 30 days have passed since the Court's Ruling and the United States has not received any documentation from Mr. Pulido proving he is the lawful owner of the Ruger 9mm, Model P89DC handgun, serial number 30792849.

This Court finds no other petitions were filed herein by or on behalf of any person or entity and the time for filing such petitions and claims has expired.

This Court finds no petitions are pending with regard to the assets named herein and the time for presenting such petitions has expired.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in the property hereinafter described is condemned, forfeited, and vested in the United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(n)(7) and shall be disposed of according to law:

...

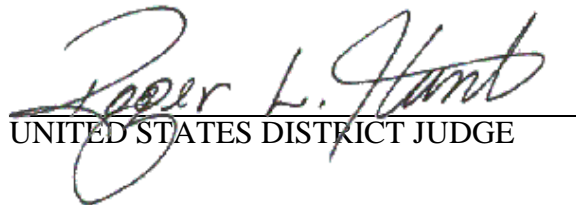
...

- 1 a) one Silver Phoenix Arm, Model HP22A, .22 caliber handgun, serial number 4283521;
2 and
3 b) any and all ammunition.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
5 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
6 income derived as a result of the United States of America's management of any property forfeited
7 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

8 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
9 certified copies to the United States Attorney's Office.

10 DATED this 10th day of June, 2013.

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13 
14 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Ray Southwick, Forfeiture Support Associates Paralegal, certify that the following individuals were served with copies of the Second Amended Final Order of Forfeiture on May 30, 2013, by the below identified method of service:

CM/ECF:

Nisha Brooks-Whittington
Federal Public Defender
411 E. Bonneville Ste. 250
Las Vegas, NV 89101
Nisha_brooks@fd.org
Attorney for Mitchell Pulido

Rene Valladares
Federal Public Defender
411 E. Bonneville Ave. Ste. 250
Las Vegas, NV 89101
Rene_Valladares@fd.org
Attorney for Darian Cromwell

/s/ Ray Southwick
Ray Southwick
Forfeiture Support Associates Paralegal